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CITY AND COUNTY OF SAN FRANCISCO et.al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MERCY AMBAT, et al.

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, THOMAS ARATA,
STEPHEN TILTON, RODERICK
WALLACE, JOHN MINOR, EDWARD
RUPPENSTEIN, JOHNA PECOT,

Defendants.

Case No. C 07-3622 SI

DEFENDANTS' REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION TO DISMISS OR STAY
PENDING RESOLUTION OF STATE
COURT PROCEEDINGS

Hearing Date: October 19, 2007
Time: 9:00 a.m.
Judge: Hon. Susan Illston
Place: Courtroom #10
19th Floor
Trial Date: None Set

INTRODUCTION

Defendants City and County of San Francisco, Thomas Arata, Stephen Tilton, Roderick Wallace, John Minor, Edward Ruppenstein, Johna Pecot (collectively the "City") by and through their counsel, hereby move this Court to take judicial notice of:

- Plaintiffs' State Court Complaint: *San Francisco Deputy Sheriffs' Association, et al. v. City and County of San Francisco Office of the Sheriff, et al.*; Case No. CPF-07-507047, filed February 20, 2007 (attached hereto as Exhibit A);
- Plaintiffs' State Court First Amended Complaint: *San Francisco Deputy Sheriffs' Association, et al. v. City and County of San Francisco Office of the Sheriff, et al.*; Case No. CPF-07-507047, filed March 15, 2007 (attached hereto as Exhibit B); and
- Plaintiffs' State Court Notices of Substitution of Attorney, filed June 22, 2007 (attached hereto as Exhibit C).

Judicial notice of these documents filed by plaintiffs in the state court action is appropriate pursuant to Federal Rule of Evidence 201(b). The fact that these documents were filed by plaintiffs in the state court action is not subject to reasonable dispute in that it is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Federal courts routinely take judicial notice of pleadings filed in other actions. *See e.g. Saxton v. McDonnell Douglas Aircraft Company* (C.D.Cal.1977) 428 F.Supp. 1047, 1049, fn.5 ("The doctrine of judicial notice is very broad. It goes so far as to permit the Court to take judicial notice of its records and the pleadings in other cases."); *MGIC Indemnity Corp. v. Weisman* (9th Cir.1986) 803 F.2d 500, 504-05 (taking judicial notice of allegations made in motion to dismiss and supporting memorandum filed in different federal court action); *Rothman v. Gregor* (2nd Cir.2000) 200 F.3d 81, 91-92 (taking judicial notice that a party to a federal lawsuit had filed another complaint in state court).

1 For these reasons, judicial notice of the plaintiffs' state court pleadings is appropriate, and the
2 City respectfully requests that the Court take judicial notice of attached Exhibits A through C.

3 Dated: August 31, 2007

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9 By: _____/s/_____
JILL J. FIGG

10 Attorneys for Defendants
11 CITY AND COUNTY OF SAN FRANCISCO et. al.
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